UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/1184
18 November 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1212 (1998) of 25 November 1998, by which the Council decided to extend the mandate of the United Nations Civilian Police Mission in Haiti (MIPONUH) until 30 November 1999 in order to continue to assist the Government of Haiti by supporting and contributing to the professionalization of the Haitian National Police, including mentoring Haitian National Police field performance and strengthening the capability of the central directorate of the police force to manage aid provided to it from bilateral and multilateral sources. In that resolution, the Council requested me to report on the implementation of the resolution every three months from the date of its adoption until the expiration of the mandate of MIPONUH. The present report covers the activities of MIPONUH and developments in the mission area since my report of 24 August 1999 (S/1999/908).

2. As I informed the Council in my letter dated 10 September 1999 (S/1999/969), Julian Harston, my Representative in Haiti, relinquished his functions on 18 September 1999 to join the United Nations Mission in Bosnia and Herzegovina as my Deputy Special Representative. Alfredo Lopes Cabral, the former Permanent Representative of Guinea-Bissau to the United Nations, whom I appointed to succeed Mr. Harston, assumed his duties as my Representative in Haiti and Head of MIPONUH on 20 October.

II. POLITICAL SITUATION

3. Since my previous report, a number of disquieting developments in Haiti have raised concerns about the electoral process, the security situation and the potential politicization of the Haitian National Police. Preparations for the next legislative and local elections have continued to lag, violent crime has not diminished and the Haitian National Police has been the target of renewed attacks.

4. At a meeting with several political parties on 2 September, the Conseil electoral provisoire (CEP) proposed two possible election dates: a first round

of legislative elections on 28 November 1999 followed by a second round, together with local elections, on 19 December, or a first round of legislative elections, together with local elections, on 12 December, followed by a second round of legislative elections on 9 January 2000.

5. President René Préval regarded the proposed timetable as unrealistic and announced that he would review it with CEP. Opposition parties, however, interpreted this as a tactic to delay the elections. On 29 September, following discussions between President Préval and CEP, the Government announced 19 March 2000 as the date for the first round of elections. In the official electoral timetable published on 6 October, CEP set 30 April 2000 as the date for the second round of elections. Despite initial criticism of the postponement of the elections by some political parties, these dates have now been widely accepted. The delay in the elections will make it impossible for a new Parliament to be in place by the second week of January, as stipulated in the Haitian Constitution.

6. The launching of a national civic education campaign on 24 October was marred by a group of militants of so-called popular organizations who disrupted the event by shouting slogans in support of former president Jean-Bertrand Aristide. President Préval, Prime Minister Jacques-Édouard Alexis and political parties, including Fanmi Lavalas, condemned the incident. Fanmi Lavalas suggested that enemies of the party might have been behind the demonstration to tarnish its image.

7. The Secretary of State for Public Security, Robert Manuel, resigned on 7 October. Popular organizations linked to Fanmi Lavalas had called for his resignation since the beginning of the year, accusing him of being responsible for the deteriorating security situation in the country. A successor to Mr. Manuel has not yet been appointed. The public campaign against Mr. Manuel and Haitian National Police Director-General Pierre Denizé has been portrayed by opposition parties as an attempt to destabilize and politicize the police service. The Organisation du peuple en lutte (OPL) warned that the departure of Mr. Manuel could have adverse political consequences, notably on the elections.

8. On 8 October, former army colonel Jean Lamy, who was considered close to Fanmi Lavalas and was reported to be a possible successor to the Secretary of State for Public Security, was shot dead by unknown assailants in Port-au-Prince shortly after leaving the house of Mr. Manuel. The following day, Mr. Manuel left the country under heavy police escort. Fanmi Lavalas accused him and unnamed police officers of involvement in the murder. On 16 October, supporters of Fanmi Lavalas disrupted the funeral of Colonel Lamy in Port-au-Prince, shouting slogans hostile to the Director-General and the Inspector-General of the Haitian National Police. The protest drew wide condemnation.

9. A new electoral alliance of right-wing parties, the Front civico-politique haïtien, was formed on 15 September. It is led by a Protestant minister, Charles Poisset Romain. The Espace de concertation formally presented itself as an electoral alliance on 20 September. Espace urged Haitians to support it as an alternative to Fanmi Lavalas.

10. With respect to security, the situation since my last report has been characterized by continuing demonstrations, blockades and incidents of violence, some of which have been related to discontent over the country's dire economic situation and difficult living conditions. In September there were violent demonstrations at the State-owned telephone company, Téléco, over the decision to replace the company director and plans to privatize the company. On 5 September a gunman fired on the secretary of OPL as he drove his car from the Port-au-Prince airport. Recent weeks have seen a spate of armed robberies, murders by illegal vigilante groups and drug-related crimes.

III. DEPLOYMENT AND OPERATIONS OF THE UNITED NATIONS CIVILIAN POLICE MISSION IN HAITI

11. As will be recalled, the Security Council mandated at the outset of the Mission that it be composed of up to 300 civilian police officers, including a 90-strong special police unit deployed along with the necessary support personnel. On 17 November the civilian police element of MIPONUH comprised 143 officers from 10 countries (see annex I). In accordance with its mandate, MIPONUH continued to deploy its civilian police component throughout Haiti's nine departments, while the special police unit has remained in Port-au-Prince. The unit has continued to provide security for mission personnel and property on a 24-hour basis.

12. In the area of training, MIPONUH has attained the objectives established for it by the Director-General of the Haitian National Police. The full range of courses that have made up the training programme have been taught in a comprehensive fashion, with a good part of classroom instruction over the last several months having focused on the maintenance of law and order (crowd control) and penal procedure. As agreed with the Haitian National Police, civilian police trainers have continued to guide their Haitian National Police counterparts in their teaching of police officers. In view of the planned departure of the Mission at the end of November, the emphasis has shifted to the training of trainers to prepare the Haitian National Police for the post-MIPONUH era. More than 40 Haitian National Police trainers trained by civilian police are now in a position to teach the required courses independently. The curricula developed by the civilian police and all related documentation have been submitted to the Director of the police academy.

13. Civilian police officers have similarly continued to discharge their mentoring (accompagnement) responsibilities in the field and at the office of the Haitian National Police Director-General. These mentoring activities have focused on the fight of the Haitian National Police against serious crime, notably capital crimes and drug trafficking, as well as on the maintenance of law and order and logistics and administration (including personnel management and the maintenance of police registers).

14. In July 1999, the Director-General of the Haitian National Police had requested MIPONUH to assist in preparing local crowd-control units, or Compagnies d'intervention et de maintien de l'ordre, in case of insecurity during the election period (see S/1999/908, para. 20). Between August and

November 1999 two such units were trained by the civilian police, in accordance with programmes developed jointly with the Haitian National Police.

15. During the period under review, the Mission continued to coordinate its technical assistance with the programmes of the United Nations Development Programme (UNDP) and with bilateral donors such as the Canadian International Development Agency-Royal Canadian Mounted Police, the French bilateral programme and the International Criminal Investigative Training Assistance Programme of the United States of America. MIPONUH also worked closely with the joint United Nations/Organization of American States International Civilian Mission in Haiti (MICIVIH) to help ensure that Haitian National Police officers had the necessary knowledge of human rights issues.

16. The monthly meetings between the civilian police, UNDP, the Haitian National Police and representatives of the Friends of the Secretary-General for Haiti (namely Argentina, Canada, Chile, France, the United States and Venezuela), which began in May 1999, have continued. The participants have been considering options for international assistance to the Haitian National Police beyond 30 November, on the basis of a concept initially proposed by the civilian police and the Director-General of the Haitian National Police, which would involve approximately 60 high-level advisers to the Haitian National Police.

IV. HAITIAN NATIONAL POLICE

17. During the period under review, the Haitian National Police continued to be the target of criticism from a number of political actors. The resignation of the Secretary of State for Public Security on 7 October has created a vacuum in the leadership of the police service (see para. 7 above). It has also rendered the work of the Director-General, Mr. Denizé, more complex, as he is now expected to deal with some issues ordinarily handled by the Secretary of State for Public Security.

18. Another cause for concern is the spate of attacks against Haitian National Police personnel. Former army colonel Lamy, who was murdered on 8 October had been a consultant to the Director-General of the Haitian National Police (see para. 8 above). On 15 October, an attempt was made on the life of the Director of the police judiciaire, who is in charge of the investigation of the Carrefour-Feuilles killings (see S/1999/908, paras. 6 and 7). According to the Office of the Director-General of the Haitian National Police, 19 police officers have been killed since the beginning of 1999 and 63 have lost their lives in the line of duty since the inception of the Haitian National Police in 1995.

19. The Haitian National Police has prepared a coherent electoral security plan, which addresses the principal security issues concerning the elections.

20. The Haitian National Police has continued its fight against drug trafficking. As part of "Operation Columbus", undertaken together with United States and Dominican law-enforcement officers, the Haitian National Police destroyed over 300 kilograms of confiscated cocaine on 28 October. In drug cases involving its own officers, the Haitian National Police has demonstrated

its determination to deal appropriately with rogue police officers through the Inspector-General's office, which has established a strong record in cooperating with the criminal justice system, thus making its internal disciplinary campaign more effective. The investigation of the Carrefour-Feuilles killings on 28 May continued during the reporting period. Seven members of the Haitian National Police have been arrested in connection with the murders, and an arrest warrant has been issued for an eighth officer, who is at large following his escape from detention.

21. It is widely acknowledged that the Haitian National Police reacted in a professional manner during an incident at a rally organized by the Espace de concertation at Petit-Goâve on 6 November, which was disrupted by supporters of former president Aristide. The Haitian National Police quickly restored order and allowed the event to proceed as planned.

22. Police morale has, however, been affected, as the Haitian National Police has found it difficult to deal effectively with increasing delinquency rates. It is similarly disquieting that vigilante groups have repeatedly attempted to act as police substitutes, delivering so-called popular justice. On 19 October six presumed criminals were the victims of extrajudicial killings on the outskirts of Port-au-Prince. Among the more pressing concerns of the Haitian National Police has been the number of police officers killed in the line of duty and the high rate of resignations, the lack of equipment and the problems of dealing with a justice system that falls short of the standards of institutional development attained by the police.

23. On 10 September, 128 officers of the eleventh class of cadets graduated from the National Police Academy, bringing the strength of the Haitian National Police to some 6,000. On 28 October the Government of Haiti announced plans to increase the force to 9,000 to 10,000 officers by 2003 to combat rising crime.

V. JUSTICE SYSTEM

24. Seven working groups were established in late September by the Ministry of Justice and Public Security to work on judicial reform and draft legislation. The working groups are composed of Haitian and international experts and focus on issues such as the statutes of the Magistrate's School, the independence of the judiciary, the salary system for judicial personnel, legal assistance, the organic law of the Ministry of Justice and Public Security, the judicial inspectorate and penal matters. Each group is expected to complete its work in the coming months, according to an established timetable.

25. On 24 August, the Minister for Justice and Public Security announced a salary increase for judges, following discussions between his Ministry and the Ministry of Finance. On 1 October the Ministry also announced changes in the judicial apparatus with a view to enhancing judicial effectiveness. The government prosecutor of Port-au-Prince has now been reassigned, and five deputy prosecutors have been dismissed. Under the new government prosecutor, the Ministry of Justice unit on pre-trial detention has resumed work after a long period of inactivity, with a view to speeding up the processing of cases. The

prison administration has been confronted with a hunger strike of 25 detainees who were protesting primarily against prolonged pre-trial detention.

26. In September the Magistrates School organized country wide seminars for judicial and police officials on the application of the electoral law in preparation for the elections. From 18 to 27 October, the school also organized a seminar for more than 30 Haitian doctors to reinforce their knowledge of forensic medicine. Some judicial personnel also participated in some of the sessions.

27. Despite financial limitations, the Office of the Ombudsman (Office de la protection du citoyen) opened its first regional office in Gonaives (Department of Artibonite) on 5 November and announced that its second regional office would open in Jérémie (Department of Grande-Anse) at the beginning of January 2000. The Ombudsman has released his first annual report on the activities of his office since its official opening in November 1997. He noted that, from its inception to the end of 1998, his office had received almost 300 complaints, including 35 concerning the Haitian National Police, 35 concerning the judicial system and 25 related to municipal administrations. The Ombudsman also observed that the institution was still not well-known among the population and recommended a more active presence in the field to reinforce its activities. These recommendations focus particularly on issues such as judicial and prison reform, reinforcement of the civic education activities of the Haitian National Police, measures to improve the condition of women and children, the fight against impunity, improvement of the living conditions of Haitians in the Dominican Republic, ratification of international treaties concerning human rights and reinforcement of legal assistance and civic awareness.

VI. DEVELOPMENT ACTIVITIES

28. The United Nations system has kept up its efforts to implement the Secretary-General's reform programme. The past three months have seen significant progress towards laying the groundwork for harmonizing joint programming and the programme cycle through the United Nations Development Assistance Framework process and within the framework of Economic and Social Council resolution 1999/11 of 27 July 1999, calling for the formulation of a long-term programme of development for Haiti.

29. The first step in the implementation of the Economic and Social Council resolution was taken through the official launching in the past month of a common country assessment, in which an in-depth analysis will be conducted of the country's strategic development sectors and priorities for social and economic development will be identified. A common country assessment orientation committee jointly headed by the Prime Minister and the United Nations Resident Coordinator has been established. A number of theme groups have also been organized with the participation of donors, ministries, United Nations agencies and civil society.

30. In addition to the launching of the common country assessment process, the reporting period also saw the intensification of new activities by the resident agencies, working individually or in collaboration within their mandated areas.

31. UNDP continued to support development cooperation efforts, including the financing of a justice mission, expanding its technical assistance to CEP, particularly in the regions, facilitating donor coordination for the elections, producing a strategic policy document on the trade sector with other international partners, organizing a national seminar on disaster prevention and management with the Ministry of Interior in September and holding a trade roundtable in November. UNDP also reached agreement with the Government of Norway to finance and conduct jointly a survey of living conditions in Haiti in collaboration with the Haitian Institute of Statistics.

32. Other development activities of the United Nations system over the past three months have included an agreement between the World Food Programme and the Haitian Government to launch two socio-economic programmes in the country's northern departments, the organization by the United Nations Educational, Scientific and Cultural Organization of a joint Haiti/Dominican Republic colloquium on the abolition of slavery and the launching of a postgraduate programme on population studies by the United Nations Population Fund and UNDP.

33. With regard to public information, a United Nations week was organized from 22 to 27 October in conjunction with the celebration of United Nations Day. The Prime Minister attended the opening ceremony. Round-table discussions were organized around specific themes and an exhibition of United Nations activities in Haiti was displayed.

VII. SUPPORT TO HAITI AFTER 30 NOVEMBER 1999

34. Since the issuance of my last report, plans for a possible transition to other forms of international assistance to the Haitian National Police after the expiration of the Mission's mandate have evolved further. The Government of Haiti has taken the lead in exploring possible modalities for the further strengthening and effective functioning of the Haitian National Police. Senior police officials have presided over a series of meetings with representatives of the international donor community to develop a strategy for joint Government-donor cooperation built on the concept of a core of police advisers to be provided by the United Nations and bilateral donors such as the International Criminal Investigative Training Assistance Programme, the Canadian International Development Agency and French Cooperation. This core of international police advisers would ensure a minimum of continuity in external support to the Haitian National Police.

35. Parallel to these efforts, a needs assessment mission, led by the Department of Political Affairs in cooperation with the Department of Peacekeeping Operations, visited Haiti from 11 to 15 October to prepare the ground for the future presence of the United Nations. In its report the mission envisaged the establishment of a new integrated United Nations mission that would combine some of the functions of MIPONUH and MICIVIH to assist the Government of Haiti in the areas of human rights monitoring and institution-

building. If approved by the General Assembly, the new mission would render support to the Haitian authorities in the critical areas of police, justice and human rights, which are vital to the further consolidation of democracy in Haiti. The three proposed "pillars", namely the judiciary, human rights and the police, on which the new mission would rest would be mutually reinforcing and complementary. Without progress in the area of justice, the institutional consolidation of the Haitian National Police would suffer. Without capacity-building and training, strengthening the State institutions responsible for ensuring respect for human rights would be difficult. Improving the quality of justice would help curb endemic due process violations and improve the performance of the police in the area of law and order.

36. Following the recommendations presented in my last two reports (S/1999/908 and S/1999/579) on a possible transition to other forms of international assistance, extensive consultations between the Government of Haiti, the Friends of the Secretary-General for Haiti, my Representative, the United Nations Resident Coordinator and the Executive Director of MICIVIH, as well as a delegation from the Economic and Social Council that visited Haiti for this purpose, have facilitated planning for the proposed new and integrated mission. Subject to the availability of resources, a consensus has been reached on the desirability of a continued United Nations presence in Haiti. On 8 November, President Préval sent me a letter requesting the establishment of a new mission upon the completion of the MIPONUH mandate (see annex II).

VIII. FINANCIAL ASPECTS

37. By its resolution 53/222 B of 8 June 1999, the General Assembly appropriated an amount of $18,641,616 gross for the maintenance and liquidation of MIPONUH for the period from 1 July 1999 to 30 June 2000. The mandate of the Mission terminates on 30 November 1999. The cost of liquidation thereafter will be met from within the approved resources.

38. As at 15 November, unpaid assessed contributions to the MIPONUH Special Account amounted to $30.4 million. The total of outstanding assessed contributions for all peacekeeping missions at that date amounted to $1.7 billion.

IX. OBSERVATIONS

39. The setting of a date for Haiti's long-delayed legislative and local elections is a significant step forward. However, the Conseil electoral provisoire will face a number of formidable organizational and technical challenges in planning the next elections, including registering some 4 million eligible voters, conducting effective civic education programmes and distributing electoral materials. The active support of the Government of Haiti, Haitian political leaders and the international community to CEP will be essential if the election timetable is to be kept. There is no doubt that a new postponement of the elections would further erode the confidence of the Haitian people in the democratic process.

40. The demonstrations and shooting incidents that have occurred in Haiti in recent weeks have threatened public security and raised fears of increased violence in the run-up to the elections. All political leaders therefore have an obligation to ensure that they and their supporters refrain from any acts of violence or intimidation that would further deepen the current sense of insecurity of the Haitian people. In this regard, the proposal by the President of CEP concerning the adoption by the political leaders of a code of conduct could be of significant importance. The Haitian National Police will have to do its utmost to help ensure that the elections are held in an atmosphere of calm and security. The holding of free and fair elections is vital for the consolidation of the country's still fragile democracy.

41. The Haitian National Police has made significant progress in discharging its responsibilities since the establishment of MIPONUH two years ago. It has strengthened its personnel and assets management, increased its visibility both in the capital and in the departments and enhanced its capacity to take advantage of the aid offered by multilateral and bilateral donors. These achievements are all the more commendable since the police service is still a young force, having been established in 1995 and is the first civilian police force in the country's history. The Haitian National Police leadership, as well as many of its officers, are working diligently under very difficult conditions.

42. While accounts of alleged human rights violations and other misconduct by some police officers remain a cause for concern, recent reports by Amnesty International and the United Nations Special Rapporteur have underscored the generally satisfactory conduct of the police with respect to human rights. The Special Rapporteur nevertheless underlined cases of police brutality and ill treatment during arrest or interrogation, as well as police involvement in gang activities. Efforts need to be made to sustain the professionalization of the Haitian National Police while at the same time improving the country's antiquated and ineffective judicial system.

43. As the mandate of MIPONUH draws to an end, it can be said that the Mission has made important contributions to the institutional development of the Haitian National Police and police reform. The training provided by the Mission and the presence of the civilian police personnel in police stations throughout the country have helped to establish the basis for the development of an independent and professional police service, which should be a cornerstone of a society based on the rule of law.

44. In pursuance of Security Council resolution 1212 (1998), I am preparing to withdraw MIPONUH following the expiration of its mandate, unless the Council decides otherwise. It is critical that the transition between MIPONUH and the successor mission be as smooth and orderly as possible. Accordingly, an appropriate repatriation schedule for the civilian police contingents is being prepared.

45. The termination of the mandate of MIPONUH will mark the end of United Nations peacekeeping in Haiti. However, it is important that the international community continue to be present in the country to assist the Government in the process of democratization. In his letter dated 8 November (see annex II), President Préval expressed appreciation to the United Nations for the

contribution made by MIPONUH. He stressed, however, that the assistance of the international community in the process of democratization, professionalization of the police and reinforcement of the justice system will continue to be necessary. The political support of Member States for the future peace-building activities of the United Nations in Haiti will therefore be essential.

46. During the past two years, MIPONUH has enjoyed the support and respect of the overwhelming majority of the Haitian people and received full cooperation from President Préval and the Haitian authorities in its efforts to accomplish its mandate. I am confident that the same level of support will be extended by them to the successor mission.

47. In conclusion, I would like to commend my Representative and Head of Mission, the Deputy Representative and the Police Commissioner, as well as the international and local staff of MIPONUH and the Executive Director of MICIVIH and his staff, for their continued efforts in support of United Nations activities in Haiti. I would also like to take this opportunity to cite the valuable contribution of the Friends of Haiti to the Mission.

Annex I

Composition of the United Nations Civilian Police Mission in Haiti as at 17 November 1999

Country	Special Police Unit	Civilian police
Argentina	138	4
Benin	-	11
Canada	-	21
France	-	36
Mali	-	19
Niger	-	5
Senegal	-	8
Togo	-	7
Tunisia	-	3
United States of America	-	29
Subtotal	138	143
Total	281	

Annex II

[Original: French]

I have the honour to refer to the imminent expiration of the mandate of the United Nations Civilian Police Mission in Haiti (MIPONUH), established pursuant to Security Council resolution 1212 (1998) of 25 November 1998 to, inter alia, assist in the professionalization of the Haitian National Police through mentoring and by strengthening the capability of the central directorate of the police force to manage aid provided to it from bilateral and multilateral sources.

In this connection, I have pleasure in thanking the United Nations for deploying the Mission, which has made a valuable contribution to enhancing police performance and the country's stability. However, in order to build on the work already done, the international community's support in this area will continue to be necessary.

Accordingly, the Republic of Haiti would like an institutional support mission to be set up, whose members would be neither uniformed nor armed, to support the democratization process and assist the Government of Haiti in strengthening the judiciary and professionalizing the Haitian National Police.

(Signed) René PREVAL